

Committee on Resources

Subcommittee on Water & Power

Witness Statement

**United States House of Representatives
Committee on Resources
Subcommittee on Water and Power
The Honorable John T. Doolittle, Chairman**

**Written Testimony of Kay Bryan
Chairman of the Water Committee
of the
Regional Council of Rural Counties
June 29, 2000
Washington, D.C.**

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I want to thank you for the opportunity to provide testimony on behalf of the Regional Council of Rural Counties (RCRC) to the Subcommittee on the subject of the CALFED Bay-Delta Program's Framework for Action.

I am the Chairman of the RCRC Water Committee, which is an advisory board to our Board of Directors. I want to make it clear that our organization's Board of Directors voted unanimously on June 22, 2000 to oppose – by all means at our disposal – the Framework For Action. This vote followed a unanimous recommendation from the Water Committee with the same language.

RCRC is an organization of twenty eight rural northern California Counties. We have over one hundred and forty elected County Supervisors in our membership Counties. Our member Counties are not inexperienced in water issues. Some of you know of Tehama County. That is the County that successfully prevailed in the California Supreme Court decision Tehama v. Baldwin. The Supreme Court found that our Counties have the authority to regulate groundwater and we do. The CALFED Framework would gravely undermine that decision and reverse California law as part of CALFED. The Framework says CALFED will need your help to reverse state law. Please don't allow state water law to be federalized. The precedent of federal agencies actively intervening in state law is frightening.

Another of our members is Mono County. They have some experience with water exports to the south state

and the consequences of redirected impacts. You may recall the name Mono Lake. Mono Lake is doubly famous. It is home to millions of waterfowl and it encompasses the breeding grounds for all of California's seagulls. It also is the place where the public trust doctrine was rediscovered and modernized. Because of the individual citizen's right to the trust, Mono County and the National Audubon Society defeated the city of Los Angeles and saved the priceless lake.

Inyo County is one of our members. Inyo County and Los Angeles have recently begun a joint effort to restore the Owens Valley, after years of hatred and violence portrayed so vividly in the movie Chinatown. Inyo County was stripped of its water through a process now euphemistically called "willing sellers and willing buyers" in CALFED. Eventually, under California Water law, Inyo County prevailed. The Framework for CALFED will again try the same strategy under the guise of willing sellers and buyers. Of course this time they want to use the federal treasury – with your support. They would institute an Environmental Water Account and Ecosystem Restoration program to "acquire" one-half million acre feet of water from our Counties. To defeat California water law CALFED needs your federal help. To reiterate: once the federal agencies are authorized by Congress to interfere in California's water law, no state will be safe from similar "federalization" of state law.

Mr. Doolittle's Tuolumne County has had water taken for over seventy years from the Tuolumne River, put in a pipe and exported to San Francisco. To this day the benefits of the project accrue only to the City and County of San Francisco. I would remind all of you that San Francisco's Hetch Hetchy Reservoir also, took special federal legislation. Only the Congress had the power to flood God's second Yosemite Valley so that urban people can flush their toilets with Yosemite National Park river water.

The Framework was premised upon the supposed failure of the CALFED stakeholder process. That process didn't fail, it just ran up against an artificial political schedule it couldn't meet. We are willing to continue the consensus process until real, long-term solutions are devised. One of our Counties, Plumas, initiated a consensus process that wasn't interrupted. The Quincy Library Group process worked, and had widespread Congressional support, because the people – not the bureaucrats – pounded out a solution. The Framework short circuited the consensus building process. You folks are being asked, in the Framework, to make an end run around the necessary hard work by stakeholders and do our work for us. That's not right. That is not democracy, it is instead power politics and will result in massive litigation on each element of this non-solution called the Framework.

When I go to one of our Board meetings I know that all of the other Board members present are there because the people back in their County elected them and sent them there to represent their interests. We all may disagree from time to time. But we all respect each others right to represent our constituents. You members of Congress also have that duty. It is not one that people who elect you or us think we should take lightly. People want elected representatives to make the important decisions.

The Framework for CALFED erases that concept and proposes a governing board consisting of two-thirds non-elected bureaucrats and one-third interested stakeholders. We don't want a governance body with a budget of 8.6 billion dollars over a seven year period to be run by people who weren't elected by the people affected by those decisions.

The Framework for CALFED proposes Endangered Species Act protections – no surprises – just for the water exporters. We too think ESA protections and federal treasury money to mitigate for impacts are a good idea. Our question to you members is, that if ESA protection is good enough for populous and wealthy Los Angeles and Silicon Valley why isn't it OK for our twenty eight Counties? CALFED will need your

help to implement this ESA scheme, so we ask you to provide us with exactly the same protections you are being asked to give to the water exporters.

Thank you for your time and attention. I would be glad to answer any questions you may have.

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